

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
NOV 12 2024
CLERK, U.S. DISTRICT COURT
By Deputy *WNB*

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

3-24 CV 2865-D

PETITION FOR WRIT OF HABEAS CORPUS
UNDER 28 U.S.C. § 2241

Eugene Fred El Frank
PETITIONER
(Full name of Petitioner)

800 W. Wintergreen Rd.
CURRENT PLACE OF CONFINEMENT
Hutchins, TX. 75141
07783-510
PRISONER ID NUMBER

vs.

VOA / AG of the USA
RESPONDENT
(Name of TDCJ Director, Warden, Jailor, or
authorized person having custody of Petitioner)

4:22-CR-00153-SDJ-CAN(3)
CASE NUMBER
(Supplied by the District Court Clerk)

INSTRUCTIONS - READ CAREFULLY

1. The petition must be legibly handwritten or typewritten, and signed and dated by the Petitioner, under penalty of perjury. Any false statement of an important fact may lead to prosecution for perjury. Answer all questions in the proper space on the form.
2. Additional pages are not allowed except that ONE separate additional page is permitted in answering question 10.
3. Receipt of the \$5.00 filing fee or a grant of permission to proceed *in forma pauperis* must occur before the court will consider your petition.
4. If you do not have the necessary filing fee, you may ask permission to proceed *in forma pauperis*. To proceed *in forma pauperis*, (1) you must sign the declaration provided with this petition to show

that you cannot prepay the fees and costs, and (2) if you are confined in TDCJ-CID, you must send in a certified *In Forma Pauperis* Data Sheet form from the institution in which you are confined. If you are in an institution other than TDCJ-CID, you must send in a certificate completed by an authorized officer at your institution certifying the amount of money you have on deposit at that institution. If you have access or have had access to enough funds to pay the filing fee, then you must pay the filing fee.

5. Only one sentence, conviction, disciplinary proceeding, or parole matter may be challenged in a single petition. If you challenge more than one, you must do so by separate petition(s).
6. Mail the completed petition and one copy to the U. S. District Clerk. The "Venue List" in your unit law library lists all of the federal courts in Texas, their divisions, and the addresses for the clerk's offices.
7. It is your responsibility to immediately notify the court in writing of any change of address. Failure to notify the court of your change of address could result in the dismissal of your case.

PETITION

PLEASE COMPLETE THE FOLLOWING: (check the appropriate number)

This petition concerns:

1. ☐ pretrial detention;
2. ☒ a conviction;
3. ☒ a sentence;
4. ☐ jail or prison conditions;
5. ☐ a prison disciplinary proceeding;
6. ☐ parole or mandatory supervision;
7. ☐ time credits;
8. ☐ other (specify): _____

Have you pursued to completion all relevant state and/or prison administrative remedies relevant to your complaint(s) before filing this petition. Yes No If yes, what was the date of the result and the result of any such proceeding. If no, explain why you have not pursued all such remedies. _____

N/A

1. Place of detention: Volunteers of America
800 West Wintgreen Road, Hutchins TX 75441
2. State the offense with which you have been charged and whether you have been convicted of the charged offense(s) or whether you are still awaiting trial: Fraud, Conspiracy to Commit
3. Name and location of court in which your case is pending or in which you were convicted: Eastern District of Texas
Sherman Division
4. The criminal docket or case number and the offense(s) for which you have been charged or convicted: 4:22-cr-00153-SDJ-CAN (3)
5. If you have been convicted of the charged offense(s), the date upon which sentence was imposed and the length of the sentence: _____
6. Check whether a finding of guilty was made:
 - a. after a plea of guilty - ☒
 - b. after a plea of not guilty - ☐
 - c. after a plea of nolo contendere - ☐
7. If you were found guilty, check whether that finding was made by:
 - a. a jury - ☒ NA
 - b. a judge without a jury - ☐
8. Did you appeal from the judgment of conviction or the imposition of sentence?
Yes ☐ No ☒

9. If you did appeal, give the following information for each appeal:

a. (1) Name of court and docket or case number:

N/A.

(2) Result and date of result: _____

(3) Grounds raised (list each):

(a) _____

(b) _____
N/A

(c) _____

(d) _____

b. (1) Name of court and docket or case number:

(2) Result and date of result: _____

(3) Grounds raised (list each):

(a) _____
N/A

(b) _____

(c) _____

(d) _____

10. State concisely every ground on which you claim that you are held unlawfully. Summarize briefly the facts supporting each ground. If necessary, attach a single page only behind page 6.

CAUTION: If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date. You must state facts, not conclusions, in support of your grounds. Do not argue or cite law. Just state the specific facts that support your claim. Legal arguments and citation to cases or law should be presented in a separate memorandum.

a. **GROUND ONE:**

Petitioner was never lawfully arrested, under Rules 3 and 4 of F.R.C.P.

Supporting facts: 1) Probable cause for committing any offense, was never stated. As so, personal jurisdiction was always lacking over Petitioner.
2) 4th, 5th and 6th Amendments, require probable cause and offense - against the United States - was committed by Petitioner. - no such claim was ever made.
3) 18 USC 3041, 3044, require that such procedure be followed.

b. **GROUND TWO:**

Petitioner is detained in violation of 18 USC 3049, indictment not of law.

Supporting facts: Fatally flawed indictment, was due to the lack of any cognizable legal basis, for State conducts.
1) violates 10th Amend and 14th + 5th Amend protections.

c. **GROUND THREE:** FSA benefits, to home confinement is being delayed.

Supporting facts: 18 USC 3624 (a) (10) + (11) mandate that Maximum amount of HC shall be afforded by Dir. of BOP and the US AG.

1) Petitioner has home to go to, and is still being delayed in his release and reentry. This violates FULL benefits of FSA, HC.

d. **GROUND FOUR:**

Supporting facts:

N/A

11. Relief sought in this petition: Immediate Release to Home Confinement.

12. Have you filed a previous application or petition for habeas corpus or any other application, petition or motion with respect to the grounds raised in this petition?

Yes

No

13. If your answer to Question No. 12 is yes, give the following information as to each previous application, petition, or motion:

a. (1) Name of court and docket or case number: _____

(2) Result and date of result: _____

(3) Grounds raised (list each):

(a) _____

(b) _____

(c) _____

(d) _____

b. (1) Name of court and docket or case number: _____

(2) Result and date of result: _____

(3) Grounds raised (list each):

(a) _____

11. Relief sought in this petition: _____

12. Have you filed a previous application or petition for habeas corpus or any other application, petition or motion with respect to the grounds raised in this petition?

Yes No

13. If your answer to Question No. 12 is yes, give the following information as to each previous application, petition, or motion:

a. (1) Name of court and docket or case number: _____

(2) Result and date of result: _____

(3) Grounds raised (list each):

(a) _____

(b) _____

(c) _____

(d) _____

b. (1) Name of court and docket or case number: _____

(2) Result and date of result: _____

(3) Grounds raised (list each):

(a) _____

(b) _____

(c) _____

(d) _____

14. If applicable, state whether you have filed a motion under 28 U.S.C. § 2255, and if you filed such a motion and it was denied, state why your remedy by way of such motion is inadequate or ineffective to test the legality of your detention.

① FSA issues are direct BOP/DOS/AGUSA failures.

② Original District Court, Lacks any Personal or Venue and Subject Matter jurisdiction (18 USC 3041, 3044, 3231) and therefore cannot "continue the criminal case".

(advisory notes: 2255)

15. Are you presently represented by counsel? Yes ☐ No ☒
If so, name, address and telephone number of attorney: _____

16. If you are seeking leave to proceed *in forma pauperis*, have you completed an application setting forth required information? Yes ☐ No ☒

N/A

Wherefore, Petitioner prays that the Court grant him the relief to which he may be entitled.

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Petition for a Writ of Habeas Corpus was placed in the prison mailing system on 29 OCT 2024 (month, day, year).

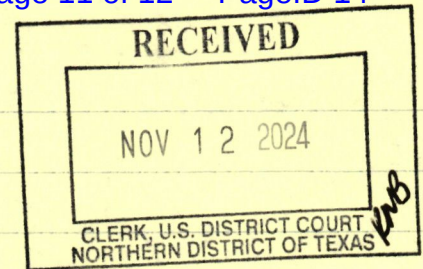
Executed (signed) on 29 OCT 2024 (date).



Signature of Petitioner (required)

Petitioner's current address:

Eugene El Frane
800 W. Winkgreen Road
Hutchins TX 75141



30 OCT 2024

RE: Habeas Corpus

Dear Clerk of Courts,

Please accept fee filing this petition for habeas
Corpus relief.

I understand it requires a \$5.00 filing fee.
Please email me when this is filed at:

EugeneTheTwin@gmail.com

I will immediately have a money order mailed to
your office

Thank you,

A handwritten signature in blue ink, consisting of a stylized 'E' followed by a long horizontal stroke.

Ernie Elfrak 077835D
VDA
800 W. Wimbush Rd
Hickory, TX 75441



NOV 12 2024
WED ON NOV 12
11:25 AM
USPS

RECEIVED - 8

NOV 12 2024

USD District Court
1100 Commerce Street
Dallas, TX 75242



LEGAL